THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.16951 of 2006

23.8.2006

Between:

S.Satyanarayana Reddy, S/o.Ram Reddy
And another

… Petitioners

AND

The Sub Registrar of Assurances, Gajwel, Medak District
And another

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.16951 of 2006

ORDER:

In this writ petition, the petitioners allege that the first petitioner is absolute owner of land admeasuring Acs.2.00 situated in survey No.161/A of Cheelasagar Village of Mulugu Mandal in Medak District, having purchased the same from Gudla Maisaiah and three others under registered sale deed dated 07.5.2004. The pattadar passbooks and title deeds are also issued in favour of the first petitioner. The first petitioner executed General Power of Attorney-cum-agreement of sale in favour of the second petitioner to sell the property in survey No.161/A. The second petitioner in order to sell a portion of the land in favour of one D.Venkat Reddy, executed a sale deed and presented it before the first respondent for registration. The first respondent refused to register the same on the ground that the second respondent issued instructions not to make any registration in respect of the subject land. The petitioners, therefore, filed the present writ petition, seeking a direction to the respondents to receive and register the sale deed.

In **State of Rajasthan v Basant Nahata**[1], the Supreme Court struck down the provision in the Act as amended by the State of Rajasthan as *ultra vires*. Following the same, a Division Bench of this Court in its judgment dated 07.12.2005 in W.P.Nos.14099 of 2003 and batch struck down Section 22-A of the Act as applicable in State of Andhra Pradesh. Therefore, the impugned action of the first

respondent is unsustainable. Further, in subsequent judgment in W.P.No.17325 of 2005 and batch, dated 20.02.2006, a Division Bench of this Court while invalidating similar notification observed as under.

> As a sequel to the above, G.O.Ms.No.810, dated 14.10.2004, is also quashed. However, it is made clear that registration of the documents of the petitioners would remain subject to the final adjudication by the Supreme Court. This would necessarily mean that if the appeal filed by the State is allowed by the Supreme Court, the registration of the documents of the petitioners shall stand automatically nullified.

Following the same, this writ petition is allowed observing that any registration of the document presented by the petitioners would be subject to the adjudication by the Supreme Court, and if ultimately, the Supreme Court allows the Appeal filed by the Government of Andhra Pradesh, the registration of the documents would stand automatically nullified. No costs.

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(**V.V.S.RAO, J**)

August 18, 2006.

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[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456